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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,978	12/03/2001	Ma Shiping	08CJ12659	7848

7590 03/18/2003

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-6

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on Dec 17, 2002 (paper no 5)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. An amendment (paper no. 5) has been filed on Dec 17, 2002.
2. Objection to claims 5-8, 11, 13, 14, 16 and 17 (see item 2 of prior Office action, paper no. 4) and rejection of claim 12 and 15 (item 4 of same Office action) are now withdrawn.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5658974).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5658974) as applied to claim 1 above, and further in view of JP 58076447 (Abstract in English).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5658974) as applied to claims 1 and 11 above, and further in view of Wittman et al (USP 5030675).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5,658,974) as applied to claims 1 and 14, and further in view of Nishihara et al (USP 6,093,760).

These rejections are incorporated by reference from prior office action paper no.

- 4.
4. Applicant's arguments filed December 17, 2002 (paper no. 5) have been fully considered but they are not persuasive.

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Applicants' argument that Fuhr does not disclose the claimed phosphoric ester is not persuasive. Applicant has not conclusively proved that the ester of Fuhr is different from the claimed one-even assuming that it is different, the examiner is of the opinion that it is not patentably distinguishable. Furthermore, it is conventional and also obvious to a person of ordinary skill in the art to modify the ester such as that of Fuhr by introducing few reactive groups in the molecule.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5658974) as applied to claim 1 above, and further in view of Choi et al (USP 5087521) or Narushima et al (USP 3948836).

Yamamoto together with Fuhr fails to teach (claimed) stabilizer.

Choi discloses heat stabilizer of instant claim 15 in col. 3, lines 57-59.

Narushima also discloses same stabilizer in col. 7, lines 52-53.

It would therefore be obvious to add that stabilizer to the composition of Yamamoto to impart heat stability.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (USP 6184312) in view of Fuhr et al (USP 5658974) as applied to claim 1 above, and further in view of Umeda et al (USP 5449710).

Yamamoto in combination with Fuhr fails to disclose the metal salt of instant claim 13.

Umeda discloses the same salt in col. 2, lines 36-40.

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It would have been obvious to add the said salt to the composition of Yamamoto to enhance flame retardancy without any tendency to drip.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

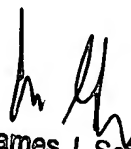
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

U. K. Rajguru/mn  
March 10, 2003



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700